

Remarks

Claims 1-20 are pending in the application. Claims 1, 6-7, 9, 13-14, and 18-20 were rejected and claims 2-5, 8, 10-12, and 15-17 were objected to by the Examiner. By this Amendment, claims 1, 3, 7, 10, 13, and 14 have been amended. Reconsideration of the claims is respectfully requested. No new matter has been added.

Specification Objections

The abstract of the disclosure has been amended in accordance with the Examiner's suggestions. In addition, the specification has been amended to correct the various informalities noted by the Examiner. Consequently, these objections are believed to be overcome.

Claim Objections

Claims 1, 3, 7, 10, 13, and 14 have been amended to correct minor grammatical and typographical errors. Consequently, these objections are believed to be overcome.

Rejection Under 35 U.S.C. § 102

Claims 7, 9, and 13 were rejected under § 102(b) as being anticipated by U.S. Patent No. 5,660,427 to Freeman et al. (hereinafter "Freeman '427"). Applicants respectfully disagree that Freeman '427 discloses a stiffening member coupled to an inner panel and an outer panel as required by independent claim 7. Instead, Freeman '427 discloses a tailgate assembly including "an inner panel 140, and outer panel 142, and any one of a number of commercially available reinforcement members 144" (column 6, lines 26-28). Freeman '427 is silent on whether the reinforcement member is connected to any component, let alone whether it is connected to the inner panel and the outer panel. Consequently, the rejection to claim 7 is respectfully believed to be improper. In addition, with respect to claim 9, reinforcement member 144 is depicted as having an "I" shaped profile, but not an "I" shaped cross-section (see Figure 11). For these reasons, the rejection of claim 7 as well as dependent claims 9 and 13 is believed to be improper.

Rejection Under 35 U.S.C. § 103(a)

Claims 1, 6, and 14 were rejected under § 103(a) as being unpatentable over Freeman '427 in view of U.S. Patent No. 5,519,978 to Sucato et al. (hereinafter "Sucato '978"). Applicants believe that this rejection is improper for the following reasons.

First, there is no suggestion or motivation to combine Freeman '427 and Sucato '978. Freeman '427 relates to hybrid vehicle assemblies (see column 1, line 6). In contrast, Sucato '978 deals with studs for building walls (see column 1, lines 5-6). As such, Freeman '427 is not in the same field of art as Sucato '978.

Furthermore, Sucato '978 does not address the particular problem with which the Applicants are concerned. The present application solves the problem of providing an vehicle tailgate assembly with improved resistance to structural damage and improved aesthetic appearance (see paragraph [0005]). In contrast, Sucato '978 addresses the problem of reducing heat transfer and noise transmission through walls (see column 1, lines 19-22). As such, it is respectfully believed that a person of ordinary skill in the vehicle tailgate assembly art would not look to the building wall art, and more particularly to Sucato '978, to solve the problem addressed by the present application. Therefore, the Examiner's proposed combination of references is believed to be improper.

Claims 18 and 19 were rejected under § 103(a) as being unpatentable over Freeman '427 in view of Sucato '978 (as applied to claim 14) and further in view of Japanese reference 359186784 (hereinafter "Japanese reference '784"). As discussed above, the proposed combination of Freeman '427 and Sucato '978 is believed to be improper. Japanese reference '784 does not cure this deficiency. Consequently, the rejection of claims 18 and 19 is believed to be improper.

Claim 20 was rejected under § 103(a) as being unpatentable over Freeman '427 in view of Sucato '978 (as applied to claim 14) and further in view of U.S. Patent No. 5,944,373 to Seksaria et al. (hereinafter "Seksaria '373"). As discussed above, the proposed


combination of Freeman '427 and Sucato '978 is believed to be improper. Seksaria '373 does not cure this deficiency. Consequently, the rejection of claim 20 is believed to be improper.

Conclusion

Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

PETER MISKECH et al.

By 
Matthew M Mietzel
Reg. No. 46,929
Agent for Applicant

Date: May 15, 2003

BROOKS & KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351